

House Bill Referred to Committee.

The Chair, President Pro Tem. Wiley, referred, after its caption had been read, the following bill:

H. B. No. 3, referred to Committee on Finance.

Simple Resolution No. 7.

(By unanimous consent.)

By Senator Darwin:

I move that J. C. Son be appointed Second Assistant Sergeant-at-Arms, and J. F. Gilbert be appointed Assistant Calendar Clerk.

Adjournment.

On motion of Senator Clark, the Senate, at 12:15 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Committee Report.**

Committee Room,
Austin, Texas, May 3, 1915.

Hon. W. P. Hobby, Lieutenant Governor.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 6, A bill to be entitled "An Act to provide for the collecting, properly housing and protecting, maintaining and exhibiting at the Panama-Pacific International Exposition to be held at San Francisco, California, during the year 1915, the varied resources and products of the State of Texas, that better markets may be created for such resources and products, and for the disseminating of market information; that the sum of ten thousand dollars be appropriated out of any funds in the State Treasury not otherwise appropriated, to be used in furtherance of said purpose, and that said funds be expended by the Panama-Pacific International Exposition Commission and the Commissioner of Agriculture of the State of Texas, and declaring an emergency,"

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

COWELL, Chairman.

FIFTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, May 4, 1915.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Wiley.

The roll was called, a quorum being present, the following Senators answered to their names:

Astin.	Lattimore.
Bailey of Harris.	McCollum.
Bee.	McGregor.
Brelsford.	McNealus.
Clark.	Morrow.
Cowell.	Nugent.
Darwin.	Parr.
Gibson.	Smith.
Harris.	Sulter.
Henderson.	Townsend.
Hudspeth.	Westbrook.
Johnson.	Wiley.

Absent.

Bailey of DeWitt.	King.
Harley.	Page.

Absent—Excused.

Conner.	Robbins.
Hall.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Smith.

See Appendix for standing committee reports.

There being no other routine business, the morning call was announced as concluded.

Excused.

On account of important business: Senator Astin, for yesterday, on motion of Senator Bee.

Senator Hall, for yesterday, today and indefinitely, on motion of Senator Smith.

Senator Bailey of Harris, for yesterday, on motion of Senator Smith.

Senator Conner, for yesterday and today, on motion of Senator Henderson.

Simple Resolution No. 4.

Senator McNealus called up, and the Chair laid before the Senate,

Simple Resolution No. 4, being a resolution providing for the number of Journals to be printed and how distributed, the resolution having been amended, by unanimous consent, to include the Lieutenant Governor.

The resolution was adopted.

Simple Resolution No. 5.

Action recurred on Simple Resolution No. 5, to be considered as special order today after the conclusion of the morning call. The resolution provided for a committee to investigate the expenditure of the special appropriation made at the Regular Session, for the State Health Department, for the purpose of taking precautionary methods against spread of bubonic plague in Texas. The resolution, as amended, appears in full in yesterday's Journal.

Simple Resolution No. 8.

Senator Hudspeth here offered, by unanimous consent, a petition from San Angelo Confederate Veteran camp, asking the Legislature to petition Congress to reimburse the South for property loss during the Civil War. The petition was read and Senator Hudspeth offered the following resolution:

Whereas, during the late Civil War the Confederate soldier fought for constitutional government, for personal liberty and for his home and country; and

Whereas, during said war the Southern soldier's home was destroyed and his property taken from him by said Northern army, and millions of dollars worth of Southern property devastated by said army; and

Whereas, the hatred and bitterness engendered by said war no longer exists, the North and the South now being one reunited people; and

Whereas, restitution is one of the greatest Christian virtues; now, therefore, be it

Resolved, that the Senate of the First Called Session of the Thirty-fourth Legislature of the State of Texas does now memorialize the Congress of the United States of America to enact a law whereby the

said Confederate soldiers and their widows may be reimbursed for such losses and devastation, either directly or in the way of a pension for such soldiers or their widows; and that in addition this resolution be sent by the Secretary of the Senate to each Congressman from Texas and to the two United States Senators.

The resolution was read and Senator Bee offered the following amendment:

Amend by striking out the word "either" in said resolution after the word devastation, and also by striking out the words "or in the way of a pension for such soldiers or their widows" after the word "directly."

The amendment was read and adopted.

The resolution, as amended, was adopted.

Simple Resolution No. 5.

(Pending Business.)

Action recurred on the pending business, Simple Resolution No. 5, the investigation resolution, and Senator Nugent offered the following substitute for the resolution and amendment:

Substitute for resolution and pending amendment:

Whereas, there appeared in a recent issue of the Austin American an article reflecting upon the State Health Department, or State Health Officer, in connection with the execution of the law looking to the prevention of bubonic plague, and in that connection the killing of rats, etc.; and,

Whereas, an investigation in the Comptroller's Department discloses the fact that said newspaper article is without foundation, and that the State Health Department has proceeded under and in conformity with the provisions of law, therefore be it

Resolved, that it is the sense of the Senate that thus far there has been no diversion of the fund created and appropriated by said law, and that the action of the State Health Officer in the premises is approved.

NUGENT,
M'NEALUS.

The substitute was read and adopted in lieu of the resolution, by the following vote:

Yeas—9.

Astin.	McGregor.
Bailey of Harris.	McNealus.
Bee.	Nugent.
Brelsford.	Parr.
Harris.	

Nays—8.

Darwin.	Sulter.
Hudspeth.	Townsend.
Johnson.	Westbrook.
Smith.	Wiley.

Present—Not Voting.

Clark.	Lattimore.
Cowell.	

Absent.

Bailey of DeWitt.	King.
Harley.	McCollum.
Henderson.	Page.

Absent—Excused.

Conner.	Robbins.
Hall.	

Pairs Recorded.

Senator Gibson (present), who would vote "yea"; Senator Morrow (absent), who would vote "nay." Action recurred on the resolution, as substituted, and it was adopted by the following vote:

Yeas—9.

Astin.	McGregor.
Bailey of Harris.	McNealus.
Bee.	Nugent.
Brelsford.	Parr.
Harris.	

Nays—8.

Darwin.	Sulter.
Henderson.	Townsend.
Johnson.	Westbrook.
Smith.	Wiley.

Present—Not Voting.

Clark.	Lattimore.
Cowell.	

Absent.

Bailey of DeWitt.	King.
Hall.	McCollum.
Harley.	Page.
Hudspeth.	

Absent—Excused.

Conner.	Robbins.
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Pairs Recorded.

Senator Gibson (present), who would vote "yea"; Senator Morrow (absent), who would vote "nay."

Simple Resolution No. 9.

(By unanimous consent).

By Senator Clark:

Whereas, there has been a second called session of the Legislature mentioned in a previous resolution; and,

Whereas, the citizens of Texas are thoroughly disgusted with called sessions, therefore be it

Resolved, That the Governor be requested not to call another extra session unless it be of an imperative necessity.

The resolution was read, and Senator Darwin moved that the same be referred to Committee on Rules, which motion was adopted by the following vote:

Yeas—18.

Astin.	Johnson.
Bailey of Harris.	Lattimore.
Bee.	McGregor.
Brelsford.	McNealus.
Cowell.	Parr.
Darwin.	Smith.
Gibson.	Sulter.
Harris.	Townsend.
Henderson.	Wiley.

Nays—3.

Clark.	Westbrook.
Hudspeth.	

Absent.

Bailey of DeWitt.	McCollum.
Hall.	Morrow.
Harley.	Nugent.
King.	Page.

Absent—Excused.

Conner.	Robbins.
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Communication From Comptroller's Department.

Austin, May 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: When I assumed charge of the office of Comptroller of Public Accounts on January 19 last, a discrepancy was noted between the

books of the Tax Department and the Chief Bookkeeper's Department in this office. I at once instructed our Chief Tax Clerk to make a thorough investigation of all the entries and records of this office, with a view of reconciling the books of the two departments. This has entailed quite a lot of work on the Chief Tax Clerk, which required several months' time (as the work had to be done at odd times), and I herewith transmit to you, and through you to the Senate of Texas, his report to me.

You will note that in case all five of the unorganized counties in Texas should organize, that this department could not turn over to them, as the law directs, the sum of \$5,000.00 in each case, for the books in the Treasury Department and the Chief Bookkeeper's Department of this office only show to the credit of these five unorganized counties the sum of \$18,728.60, notwithstanding the fact that this money has been paid for that purpose several years ago, though in some way it has found its way into the wrong fund. I am of the opinion that the matter should not be allowed to remain longer in its present shape, and would suggest the passage of a concurrent resolution by the Legislature, giving this department authority to transfer the funds mentioned in the report herewith inclosed to the proper account.

Very respectfully,

H. B. TERRELL,

Comptroller of Public Accounts.

Austin, Texas, April 8, 1915.

Hon. H. B. Terrell, Comptroller.

Dear Sir: In looking over the records of the Tax Department, I find that the records of the unorganized county tax fund show that the total amount due unorganized counties on January 19, 1915, was \$24,603.83, less \$251.85 due from the counties that had overdrawn their accounts, leaving a net balance due unorganized counties at that date \$24,351.98.

There are twenty-nine counties showing small balances to their credit in amounts ranging from 20 cents to \$353.13.

There are five counties whose accounts show to be overdrawn in amounts from 8 cents to \$219.19.

These thirty-four counties have all been organized, dates of organization

being from 1879 to 1910. In addition to the thirty-four counties mentioned above, there were on January 19, 1915, five unorganized counties showing balances to their credit as follows:

Bailey County	\$ 6,829.11
Cochran County	5,153.60
Crane County	5,203.79
Hockley County	6,000.40
Loving County	689.92

Amount due these five

counties\$23,876.82

The books in the chief bookkeeper's department show that on January 19 the total amount to the credit of the unorganized counties was only \$18,728.60, when they should have had to the credit of this fund \$24,603.83, less the amount of \$251.85 overdrawn by five counties, leaving a net balance that should have been shown to the credit of this account\$24,351.98

Amount shown by book-

keeper 18,728.60

Making a difference of...\$ 5,623.38 as shown on ledger of bookkeeper and the records in my department.

This discrepancy shown on the records in my department and that of the bookkeeper, has been brought about in some instances by crediting funds to the wrong account.

On the general ledger and on the State Treasurer's books they have five accounts that should be transferred to the unorganized county account. These accounts are as follows:

Pro rata indebtedness of unorganized counties ...	\$2,185.63
Redemption of lands in unorganized counties ...	2,679.30
Cost of advertising in unorganized counties	633.14
Winkler County special tax	15.70
Upton County special tax..	17.39

Making a total of.....\$5,531.16

These five accounts account for all of the discrepancy between the records in my department and the ledger in the bookkeeping department, except \$92.22,

In order to arrive at the true status of the five accounts above mentioned, it will be necessary to discuss each of them separately.

The pro rata indebtedness account is taxes collected by this de-

partment from non-residents of an unorganized county to pay its pro rata indebtedness of the county or counties from which the unorganized county is taken; this account as shown by the general ledger is \$2,185.63. I find that on September 5, 1889, there was a warrant issued against this account for \$1,632.14, and on May 14, 1890, another warrant for \$447.80 was issued against this account. These two warrants were charged to the unorganized county tax fund, when they should have been charged to the pro rata indebtedness account.

The redemption of lands in unorganized counties' account, as shown in the ledger, is \$2,679.30. This account was originally intended as a special fund to reimburse individuals who had bought land situated in unorganized counties that was sold for taxes by the department. To illustrate: A owns land in an unorganized county and fails to pay the taxes on it; B buys the land in at tax sale; afterwards A desires to redeem this land—this he can do by tendering to B or his agent double the amount of tax and cost, or by depositing the same with the Comptroller. Article 7600, R. S., 1911. The Comptroller would then deposit this amount to a special account (which was designated Redemption of Lands in Unorganized Counties) to be paid to B on demand.

In R. S., 1911, Articles 7594 to 7600, inclusive, pages 1648 and 1649, you will find the law governing tax sales in unorganized counties.

Article 7596 provides that if there be no purchaser of said lands, the Comptroller shall bid same in to the State for the taxes and cost due thereon.

These tax sales embrace a period of years from 1880 to 1895. A part of these sales were made to individuals, but most of them were made to the State.

The money paid in on redemption of land sold to individuals up to and including January, 1890, was credited to the redemption of lands in unorganized counties accounts, as it should have been, and the money paid on the redemption of land that

had been sold to the State was credited to the unorganized county tax fund account where it belonged.

After this date I find that they commenced mixing the redemptions on lands sold to individuals with that sold to the State, and in many instances on the same receipt; and from March, 1896, practically all the money received from redemption of land sold to the State was credited to the redemption of land in unorganized counties' account, when it should have been credited to the unorganized county account.

The two accounts mentioned above, and the cost of advertising in unorganized counties I am convinced belong to and should be transferred to the unorganized county tax fund, and for a further reason that there has not been a disbursement in either of these funds since 1900. (4)

In November, 1910, warrant No. 1743 was issued against the Winkler county special fund, but the warrant was charged to the unorganized county fund.

There is an account on the ledger, Upton County special fund, of \$17.39. In my department the ad valorem and special tax were kept in the same account. I find that in July, 1910, Upton county's account was balanced off and the county paid in full; I am, therefore, sure that this account should be transferred to the unorganized county fund.

I have checked over the list of taxes collected in unorganized counties by my department from 1883 to the present time, and I believe the accounts as they stand on the books in my department are correct.

In the above statement I have endeavored to give you my reasons for the conclusion to which I have arrived. I will now give you a brief summary of the accounts as they stood on the books in my department and in the department of the bookkeeper on January 19, 1915.

I will designate the accounts as shown on the books in my department where the counties have been organized between 1879 and 1910 as dead accounts; the live accounts being those five counties which are now unorganized.

Balance due to counties
that have been organized\$ 727.01

Balance due from counties that have been organized\$ 251.85

Net balance due the above counties\$ 475.16

Balance due the five unorganized counties....\$23,876.82

Net balance due to all counties\$ 24,351.98

The general ledger in the bookkeeping department shows to the credit of unorganized county fund\$18,728.60

Discrepancy\$ 5,623.38

The five accounts mentioned in the first part of the report, and that I am sure belong to and should be transferred to the unorganized county account are:

Pro rata indebtedness of unorganized counties...\$2,185.63

Redemption of lands in unorganized counties..... 2,679.30

Cost of advertising in unorganized counties 633.14

Winkler county special... 15.70

Upton county special..... 17.39

Total of the five accounts\$5,531.16

The transfer of these accounts would be all of the discrepancy shown between the books in my department and the general ledger except \$92.22; this I have been unable to account for.

The department is in this position: If the five unorganized counties should organize say this or next year, or at any future time, you would have money to pay only three of them, but if the five accounts (that have been derived from taxes collected by my department on lands in unorganized counties) mentioned were transferred to the unorganized county tax fund there would be sufficient funds to take care of the amounts due each of the five unorganized counties and to pay most of the small balances due to formerly unorganized counties.

I am herewith submitting with this report a list of the counties showing a balance due to or from them.

Respectfully submitted,
JOHN W. STEWART, JR.,
Chief Tax Clerk.

Statement showing the amounts due to and from the counties listed

below as is shown on the "Unorganized Tax Journal" in the tax department at close of business January 19, 1915:

"Formerly Unorganized Counties." Cr.

By amount due to Andrews\$ 9.15

By amount due to Briscoe 1.20

By amount due to Castro 19.04

By amount due to Collingsworth60

By amount due to Concho 1.60

By amount due to Cottle.70

By amount due to Dallam 5.28

By amount due to Dawson 31.26

By amount due to Deaf Smith 1.30

By amount due to Donley 1.32

By amount due to Floyd. 4.90

By amount due to Garza. 3.68

By amount due to Hale.. 6.66

By amount due to Hall..20

By amount due to Hansford80

By amount due to Haskell 2.97

By amount due to Hutchinson 3.20

By amount due to King.. 3.11

By amount due to Lamb. 1.22

By amount due to Lynn.. 144.26

By amount due to Martin 2.40

By amount due to Motley 353.13

By amount due to Parmer75

By amount due to Randall 1.14

By amount due to Roberts25

By amount due to Schleicher 94.35

By amount due to Sutton. 17.27

By amount due to Swisher 5.60

By amount due to Terry. 9.67

Dr.

To amount due from Armstrong\$ 0.08

To amount due from Dimmit 219.19

To amount due from Edwards 31.31

To amount due from Winkler64

To amount due from Zavalla.63

Total\$251.85 \$ 727.01

"Counties Now Unorganized."
 By amount due to Bailey
 ley \$ 6,829.11
 By amount due to Cochran
 5,153.60
 By amount due to Crane.. 5,203.79
 By amount due to Hockley
 6,000.40
 By amount due to Loving. 689.92

Total \$23,876.82

JOHN W. STEWART, JR.,
 Chief Tax Clerk.

The above was read and, on motion of Senator Henderson, ordered printed in the Journal.

Senate Bill No. 6.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 6, A bill to be entitled, "An Act to provide for the collecting, properly housing and protecting, maintaining and exhibiting at the Panama-Pacific International Exposition to be held at San Francisco, California, during the year 1915, the varied resources and products of the State of Texas, that better markets may be created for such resources and products, and for the disseminating of market information; that the sum of ten thousand dollars be appropriated out of any funds in the State Treasury not otherwise appropriated, to be used in furtherance of said purpose, and that said funds be expended by the Panama-Pacific International Exposition Commission and the Commissioner of Agriculture of the State of Texas, and declaring an emergency."

The committee report, that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Cowell, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 6 put on its third reading and final passage by the following vote:

Yeas—22.

Astin.	Harris.
Bailey of Harris.	Henderson.
Bee.	Hudspeth.
Brelsford.	Johnson.
Clark.	Lattimore.
Cowell.	McGregor.
Darwin.	McNealus.
Gibson.	Nugent.

Parr.	Townsend.
Smith.	Westbrook.
Suiter.	Wiley.

Absent.

Bailey of DeWitt.	McCollum.
Hall.	Morrow.
Harley.	Page.
King.	

Absent—Excused.

Conner.	Robbins.
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The bill was laid before the Senate, read third time, and passed by the following vote:

Yeas—22.

Astin.	Johnson.
Bailey of Harris.	Lattimore.
Bee.	McGregor.
Brelsford.	McNealus.
Clark.	Nugent.
Cowell.	Parr.
Darwin.	Smith.
Gibson.	Suiter.
Harris.	Townsend.
Henderson.	Westbrook.
Hudspeth.	Wiley.

Absent.

Bailey of DeWitt.	McCollum.
Hall.	Morrow.
Harley.	Page.
King.	

Absent—Excused.

Conner.	Robbins.
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Senator Cowell moved to reconsider the vote by which S. B. No. 6 was passed and table the motion to reconsider.

The motion to table prevailed.

Adjournment.

On motion of Senator Clark the Senate, at 12:15 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Report.

Committee Room,
 Austin, Texas, May 3, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 3, A bill to be entitled, "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State Government, for two years, beginning September 1, 1915, and ending August 31, 1917, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

COWELL, Chairman.

SIXTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, May 5, 1915.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their names:

Astin.	Lattimore.
Bailey of DeWitt.	McCellum.
Bailey of Harris.	McNealus.
Bee.	Morrow.
Brelsford.	Nugent.
Clark.	Page.
Cowell.	Parr.
Darwin.	Smith.
Gibson.	Suiter.
Harley.	Townsend.
Harris.	Westbrook.
Henderson.	Wiley.
Johnson.	

Absent.

Hall.	McGregor.
Hudspeth.	Robbins.
King.	

Absent—Excused.

Conner.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Clark.

Excused.

On account of important business Senator Hall, for today, on motion of Senator Bailey of DeWitt.

Senator Page, for yesterday, on motion of Senator Bee.

Senator Bailey of DeWitt, for Monday and yesterday, on motion of Senator Smith.

Senator King, for Monday, yesterday, today and indefinitely, on motion of Senator Brelsford.

See Appendix for Standing Committee Reports and Petitions and Memorials.

House Bill No. 3.

The Chair laid before the Senate on second reading,

H. B. No. 3, A bill to be entitled "An Act making appropriations to pay salaries of judges, and for the support of the Judicial Department of the State government for two years, beginning September 1, 1915, and ending August 31, 1917, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Cowell offered the following amendment, which was read and adopted:

(1) Amend the bill, page 1, line 36, of the printed House bill, by striking out the figures "\$1500.00" where they first appear in said line and substitute in lieu thereof the figures "\$2000.00."

Senator Lattimore offered the following amendment, which was read and adopted:

(2) Amend House Bill No. 3 by striking out the words "and box rent" wherever they occur in the bill.

Senator Suiter offered the following amendment:

(3) Amend House Bill No. 3, page 2, by striking out all of lines Nos. 36 and 37, being contingent expenses, and to strike out of the entire bill "contingent expenses" wherever it occurs and the appropriations therefor.

On motion of Senator Bee, the amendment was tabled.

Senator Lattimore offered the following amendment:

(4) Amend bill by making amount allowed for postage for each court \$200 per year for the Supreme Court and Court of Criminal Appeals and \$150 per year for each of the Courts of Civil Appeals.

Senator Clark moved to table the amendment, and moved the previous question on that motion and the passage of the bill to a third reading.